**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 18108 of 2000**

**DATED:24/08/2005**

Between:

Depot Manager, A.P.S.R.T.C.,
Madhira Depot, Khammam District..

**..... PETITIONER**

AND

Mohd. Habeebuddin, S/o Shaik Imam,
H.No.13/1108, Sharapura Street,
Matwada, Warangal District.

**.....RESPONDENT**

**THE HONOURABLE SRI JUSTICE C.V.RAMULU**

**W.P.NO. 18108 OF 2000**

**ORDER:**

This writ petition is filed by the Depot Manager, APSRTC, Madhira Depot (Khammam) Management being aggrieved by the Award made in I.D.No.142 of 1995 dated 21-2-2000 on the file of the Industrial Tribunal-cum-Labour Court,Warangal.

It is the case of the petitioner that the respondent-workman, while working as Conductor and conducing bus on 27-3-1993 on the route Wyra to Madhira a check was exercised and certain cash and ticket irregularities were found and on the basis of the report of the checking officials, a charge sheet was issued alleging as many as four charges. Though, the respondent-workman submitted explanation, having not satisfied with the same, a detailed enquiry was ordered in to the matter. The enquiry officer after following the principles of natural justice and giving opportunity to the respondent-workman to defend himself, found the respondent-workman is guilty of the charges and submitted a report. On the basis of the report of the enquiry

officer and also on appreciation of the circumstances of the case, the disciplinary authority removed the workman from the service by order dated 6-9-1993. Aggrieved by the same, the workman filed an appeal and the same was dismissed.

However, the workman raised a dispute under Section 2A(2) of Industrial Dispute Act before the Industrial Tribunal-cum-Labour Court which was taken on file as I.D.No.142 of 1995. The Labour Court on the basis of the material available on record, came to the conclusion that the charges proved only to the extent of irregularities committed by the workman and it is not a misconduct. Therefore, the removal from service by the petitioner-management was not justified and the same was unreasonable and unwarranted. Thus the Labour Court has directed reinstatement of the respondent-workman into service with continuity of service and 25% of the back wages. However, further directed to impose punishment of stoppage of two increments with cumulative effect.

Though notice served, neither the respondent nor any counsel representing is present. However, Sri V.Narsimha Goud, at the request of the Court acted as Amicus Curiae and assisted the Court.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and also perused the Award passed by the Industrial Tribunal-cum-Labour Court,Warangal and other material made available on record.

From the charges framed against the workman, it is clear that the first charge is as to the violation of rule issue and start. The second charge is that the respondent-workman having collected Rs.5-00 from a batch of five passengers who boarded the bus at Siripuram stage No.3/2 and found alighting at Decree College near Madhira stage No. 2/1 failed to issue tickets to these three passengers. Under charge No.3, he failed to collect the actual fare of Rs.2-00 from each of the passengers so boarded the bus at Siripuram stage No.3/2 and alighting at Decree College near Madhira from a batch of three passengers. The fourth charge is that he has closed the tray numbers of all the denominations except the denomination of Rs.1-50 up to the stage No.2/1. In the enquiry, it has been proved that the workman issued tickets of less denomination though he has collected Rs.5-00 at the boarding itself. But it is not one such case. This is a case, where the respondent-workman having collected Rs.5-00 each from five passengers, where he was supposed to

collect Rs.6-00, he did not issue any tickets in this regard and he conferred some favour on the passengers for collecting Rs.5-00 instead of Rs.6-00. This aspect, in fact, was not considered by the Labour Court and the Labour Court unfortunately held that this is only an irregularity and not a misconduct on the part of the respondent-workman. I am of the opinion that the charges which are proved are grave in nature and the respondent-workman is not entitled for the relief as granted by the Labour Court. However, in view of the fact that the workman has already been reinstated into service, the Award of the Labour Court is set-aside only to the extent of granting 25% of the back wages and other attendant benefits. The rest of the Award is confirmed.

The writ petition is allowed to the extent indicated above. No order as to costs.

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C.V.RAMULU,J

24-08-2005

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He contended that respondent-workman strenuously contended that the charges are very trivial in nature and the same has been taken into consideration by the Industrial Tribunal and as such rightly came to the conclusion that the punishment of removal from service is not proportionate that of the misconduct alleged against him and accordingly, the relief of reinstatement , continuity of service but only 25% of the back wages. In fact, in the facts and circumstances of the case, the workman ought to have granted full back wages. Theerefore, the petitioner-management has not made out any ground to interfere into the Award passed by the Industrial Tribunal-cum-Labour Court,Waragal, and the writ petition is liable to be dismissed.